

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

15 FEB 2005

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Applicant's or agent's file reference 80555842	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/001383	International Filing Date (day/month/year) 17 October 2003	Priority Date (day/month/year) 17 October 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. 7 C09K 21/02, 21/04; C08K 3/10, 3/32, 3/34, 3/36, 3/38, 3/40, 7/10; H01B 7/295		
Applicant POLYMERS AUSTRALIA PTY LIMITED et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 57 sheet(s).

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 12 May 2004	Date of completion of the report 4 February 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  DR. A TESSEMA Telephone No. (02) 6283 2271

I. Basis of the report**1. With regard to the elements of the international application:***

- the international application as originally filed.
- the description, pages , as originally filed,
pages , filed with the demand,
pages 1-48, received on 30 December 2003 with the letter of 29 December 2003
- the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages 49-55, received on 30 December 2003 with the letter of 29 December 2003
- the drawings, pages , as originally filed,
pages , filed with the demand,
pages 1/1, received on 30 December 2003 with the letter of 29 December 2003
- the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. The amendments have resulted in the cancellation of:

- the description, pages
- the claims, Nos.
- the drawings, sheets/fig.

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims 1-48	NO
Inventive step (IS)	Claims	YES
	Claims 1-48	NO
Industrial applicability (IA)	Claims 1-48	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

NOVELTY; INVENTIVE STEP: Claims 1-48

D1. US 6433049 D2. US 6239378 D3. WO 2000/068337 D4. WO 2000/066657 D5. EP 1026700
 D6. WO 1998/043251 D7. GB 2268497 D8. US 5173960 D9. US 4529467 D10. US 4225649
 D11. JP 1-223141 D12. JP 63-126740 D13. JP 63-020348 D14. JP 59-127749 D15. JP 54-131792

The invention defined in claims 1-48 is fully disclosed by each of documents D1-D15 (see col. 4, line 8 - col. 8, line 51 of D1; col. 1, examples of D2; examples, page 14, line 15 - page 15, line 3 of D3; claims 1-10, examples of D4; examples of D5; whole document, particularly examples 1.3 and 3.5 of D6; whole document, particularly the example of D7; col. 5, lines 3-47 of D8; abstract, examples of D9; claims of D10; and Derwent abstracts of D11 - D15). Each document discloses a fire resistant composition comprising an organic polymer, a silicate mineral filler and a source of fluxing oxide; a fire resistant cable comprising a conductive element and an insulating/sheathing layer, wherein the said insulating/sheathing layer is made of the said fire resistant composition, is also disclosed by the citations. Therefore, present claims 1-48 are considered not to satisfy the PCT requirements of novelty and inventive step.

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International application No.

PCT/AU2003/001383

VI. Certain documents cited**1. Certain published documents (Rule 70.10)**

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
EP 1283237	12 February 2003	1 August 2002	7 August 2001

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. The title on page 1, filed on 30 December 2003 under Rule 26, that is " FIRE RESISTANT COMPOSITIONS ", is inconsistent with that established by the International Searching Authority which is " FIRE RESISTANT POLYMERIC COMPOSITIONS ".
2. Claim 1 is not clear , particularly in view of claim 8, because it is not clear whether or not the presence of " a fluxing oxide " or " a source of fluxing oxide " in the composition is an essential technical feature of the present invention. It appears that claim 1 needs to be redrafted to clearly indicate that such a component is essentially present in the composition as an additive and/or generated from the silicate filler at elevated temperature (see also page 5, lines 29-30).
3. The invention defined in claim 18 is not fully supported by the description as the maximum amount of polymer , that is " 75% ", is outside the range specified at page 15, lines 13-17. Please note that once the amount of polymer exceeds 60%, a cohesive and strong residue will not be achieved, that is the objective of the present invention may not be fulfilled.

A similar observation applies to claim 28.